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this Memorandum Decision shall not be
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any court except for the purpose of
establishing the defense of res judicata,
collateral estoppel, or the law of the case.

APPELLANT PRO SE:

JERRY STATON
Phoenix, Arizona

**IN THE
COURT OF APPEALS OF INDIANA**

JERRY STATON,)	
)	
Appellant,)	
)	
vs.)	No. 91A02-0608-CV-717
)	
MICHAEL LEWITZ,)	
)	
Appellee.)	

APPEAL FROM THE WHITE CIRCUIT COURT
The Honorable Robert W. Thacker, Judge
Cause No. 91C01-0605-PO-36

January 24, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Jerry Staton appeals from the trial court's denial of his motion to quash order of protection. He presents three issues on appeal, which we consolidate and restate as whether the trial court erred when it denied Staton's motion to quash order of protection.

We affirm.

FACTS AND PROCEDURAL HISTORY

Staton and Michael Lewitz were involved in a romantic relationship from approximately 2001 until 2003, when Lewitz decided to end the relationship. Thereafter, Staton's attempts to contact Lewitz by telephone and by mail were thwarted by Lewitz's friend Donald Lay, Jr. Staton became concerned that Lay was brainwashing Lewitz. Accordingly, Staton petitioned Adult Protective Services of Tippecanoe County ("APS") for an investigation into Lewitz's well-being. Angela Shay, an investigator with APS, looked into the matter and determined that Lewitz was not in need of assistance.

Lewitz petitioned the trial court for an order of protection, which the court granted ex parte. Staton then moved the court to order a mental examination of Lewitz and requested a hearing. The trial court conducted a hearing and heard testimony from Staton and Lewitz. The court denied Staton's motion for mental examination and declared that the order of protection remained "in full force and effect." Transcript at 72. The court also denied Staton's subsequent motions to quash the order of protection. This appeal ensued.

DISCUSSION AND DECISION

In his brief on appeal, Staton has failed to comply with several of our appellate rules. It is well settled that pro se litigants are held to the same standard as are licensed lawyers. Goossens v. Goossens, 829 N.E.2d 36, 43 (Ind. Ct. App. 2005). Staton failed to include both a statement of the case and a summary of argument in his brief. See Ind. Appellate Rule 46(A)(5), (7). Staton has not set forth the applicable standard of review. See Ind. Appellate Rule 46(A)(8)(b). More importantly, in his argument section, Staton does not make cogent argument or include citations to authorities or parts of the record in support of his contentions. See Ind. Appellate Rule 46(A)(8)(a). As such, the issues he raises on appeal are waived.¹

Waiver notwithstanding, we hold that there is evidence in the record to support the trial court's denial of Staton's motion to quash order of protection. Lewitz testified that Staton had "harassed" him and that he felt threatened by Staton. Transcript at 9, 53. Lewitz further testified that Staton had attempted to contact him hundreds of times despite Lewitz's request that Staton cease communication with him. That evidence is sufficient to support an order of protection. See Ind. Code §§ 34-26-5-2, 34-26-5-9, and 35-45-10-1.

¹ It appears that the second issue asserted by Staton is raised for the first time on appeal. In particular, Staton contends that the Tippecanoe County Chief Investigator, Dawn Gross, advised Lewitz to seek an order of protection in violation of Indiana Admissions and Disciplinary Rule 24. It is well settled that a party cannot raise an issue for the first time on appeal. The issue is waived. See Breneman v. Slusher, 768 N.E.2d 451, 463 (Ind. Ct. App. 2002) (holding issue waived if raised for first time on appeal), trans. denied. Further, Staton's contention that the trial court erred when it denied his motion to order Lewitz to undergo a mental evaluation is waived for lack of cogent argument and failure to cite to authority and the record on appeal.

On appeal, Staton contends that Lewitz “clearly” filed the petition for order of protection “in retaliation” for Staton’s having requested Adult Protective Services to investigate Lewitz’s well being and “only . . . upon the advice of Tippecanoe County Chief Investigator, Dawn Gross.” Brief of Appellant at 5. Staton’s contention amounts to a request that we reweigh the evidence, which we will not do. Indiana Code Section 34-26-5-9 places the burden on the petitioner to prove at least one allegation in a petition for order of protection by a preponderance of the evidence. See Tons v. Bley, 815 N.E.2d 508, 511 (Ind. Ct. App. 2004). In determining the sufficiency of the evidence, we neither weigh the evidence nor resolve questions of credibility. Id. We look only to the evidence of probative value and reasonable inferences that support the trial court’s judgment. Id. Here, again, the evidence is sufficient to support the trial court’s denial of Staton’s motion to quash order of protection.

Affirmed.

MAY, J., and MATHIAS, J., concur.